

### **REMARKS/ARGUMENTS**

The Office Action of January 31, 2006, has been carefully reviewed and these remarks are responsive thereto. This response is being filed concurrently with a Request for Continued Examination. Claims 28, 30, 43, 44 and 46-49 have been amended. Claims 55-65 have been added. Claims 32 and 33 have been cancelled without prejudice or disclaimer. Claims 28-31 and 34-65 remain pending after entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. §112***

Claims 28, 44, 46 and 49 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have amended these claims rendering these rejections moot.

Claim 33 stands rejected under 35 U.S.C. §112, second paragraph. Claim 33 has been cancelled rendering this rejection moot.

#### ***Claim Rejections Under 35 U.S.C. §102***

Claims 28-36, 39, 40 and 42-54 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bruck *et al.* (U.S. Patent No. 6,691,165, hereinafter "Bruck"). This rejection is respectfully traversed for the following reasons.

Claims 28 and 46 relate to, *inter alia*, clustering state information between multiple SSL relays in an SSL relay cluster in response to receiving an acknowledgement from a second node. The acknowledgement from the second node is received in response to a determination that data transferred from a first node to the second node is a full record. Bruck fails to teach or suggest such a feature. At most, Bruck discloses that a Reliable Message layer partitions a message being sent into a number of packets and sends all the packets using UDP, creating a record for each packet. Col. 24, ll. 55-65. In addition, Bruck discloses determining whether all of the packets have been acknowledged by the receiver. *Id.* Even so, nowhere does Bruck teach or suggest that an acknowledgment is received from the receiver (i.e., alleged second node) in response to a determination that the transferred packet is a full record. In addition, there is also

no teaching or suggestion in Bruck that state information is clustered in response to receiving the aforementioned acknowledgment. Bruck merely discloses that there may exist consistent state sharing with a reliable message passing interface. Col. 25, ll. 9-14. Bruck lacks any teaching or suggestion that the clustering is performed in response to receiving an acknowledgement from a second node. As such claims 28 and 46 are allowable for at least this reason.

Claim 44 recites, *inter alia*,

“a first SSL relay configured to cluster state information in response to receiving a client handshake from the first node; and a second SSL relay configured to transmit an acknowledgment to the first SSL relay upon receiving the state information, wherein the first SSL relay is further configured to transmit a handshake acknowledgment message to the first node upon receiving the acknowledgment from the second SSL relay.”

Nowhere does Bruck teach or suggest such a feature. For example, Bruck does not teach or suggest a client handshake, much less clustering state information in response to receiving the client handshake. As such, claim 44 is allowable for at least this reason.

Claim 49 recites, *inter alia*, “a third interface for transferring state information between SSL relays in the cluster only in response to an acknowledgment from the second node, wherein the acknowledgment is received in response to a determination that the transferred information is a full record.” As discussed previously with respect to claims 28 and 44, Bruck merely discloses dividing a message into packets and receiving acknowledgments in response to the packets. Bruck lacks any teaching or suggestion that these acknowledgments are received in response to determining that the transferred information is a full record. Additionally, Bruck also does not teach or suggestion that the state information is transferred between SSL relays only in response to receiving such an acknowledgment. The passage of Bruck cited by the Office Action is directed only to consistent state sharing and does not disclose when state sharing occurs, much less that the state sharing occurs only in response to receiving an acknowledgment of a full record. Claim 49 is thus allowable for at least these reasons.

Claims 29-31, 39, 40, 42, 43, 45, 47, 48 and 50-54 are dependent on their respective base claims and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein.

Claims 32 and 33 have been cancelled and thus the rejection with respect to these claims is rendered moot.

***Claim Rejections Under 35 U.S.C. §103(a)***

Claims 37, 38 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bruck in view of Weinstein *et al.* (U.S. Patent No. 6,094,485, hereinafter “Weinstein”). This rejection is respectfully traversed for the following reasons.

Claims 37, 38 and 41 are dependent on claim 28 and are thus allowable over Bruck for at least the same reasons as those discussed previously. In addition, Weinstein fails to cure the deficiencies of Bruck identified above with respect to claim 28. For example, claim 28 recites, *inter alia*, “receiving an acknowledgement from the second node in response to determining that the transferred information is a full record; and clustering state information of the communication path in response to receiving the acknowledgment from the second node.” Nowhere does Weinstein teach or suggest such a feature. In fact, Weinstein lacks any teaching or suggestion of determining whether transferred information (from the client to the server) is a full record, much less clustering state information in response to such a determination. As such, claim 28 is allowable over the alleged combination of Bruck and Weinstein. Claims 37, 38 and 41 are thus also allowable for at least the same reasons as claim 28.

***New Claims***

Claims 55-65 have been added. Support for the features of the new claims may be found throughout the original specification and the drawings.

Claims 55-65 are dependent on their respective base claims and are thus allowable for at least the same reasons as their respective base claims and further in view of the novel and non-obvious features recited therein. For example, claims 55 and 62 relate to, *inter alia*, clustering information transferred to from a first node to a second node in response to determining that the data is a partial record, and transmitting a partial acknowledgment to the first node upon clustering the partial record. Neither Bruck nor Weinstein teaches or suggests such a feature. At most, Bruck discloses, at col. 24, ll. 51-60, that a receiver may send acknowledgments in response to

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receiving packets. However, Bruck still does not teach or suggest partial acknowledgments or even clustering the transferred data. Weinstein fails to cure this deficiency. As such, claims 55 and 62 are allowable for at least this reason.

### **CONCLUSION**

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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